REMARKS
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*This is a response to each of the objections set forth in the **"Response to the Amendment"** and also to the previous **"Office Action Letter"** relating to the original specification (**10/051,947**).*

TITLE OF INVENTION: HARDWAY

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7/21/04   *Edward Appleton Gaylor*

REMARKS
(page 2)

I. Response to each of the objections set forth in the "Response to the Amendment".

1. a. The enclosed reply is signed.

    b. Each of the objections set forth in the previous Office Action letter are addressed in:

        II. Response to each of the objections set forth in the "Previous Office Action Letter",

        (which follows this section *I.*) .

    c. The enclosed substitute specification contains no new matter.

The idea of combining the horse race and craps into the same game layout should not be considered as "new matter", as this idea was previously introduced in this original application (10/051/947) in the BACKGROUND OF INVENTION SECTION, THE BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S) SECTION, AND THE DETAILED DESCRIPTION OF THE INVENTION SECTION. This idea (combining the horse race and craps into the same game layout) was further elaborated on in the Continuation-in-part applications: # 10/387,928 (03/13/2003) and # 10/425/812 (04/29/03), in the CLAIMS, DRAWING(S), and DETAILED DESCRIPTION OF THE INVENTION Sections. It has also been further elaborated on in the CLAIMS, DRAWING(S), and DETAILED DESCRIPTION OF THE INVENTION Sections in the enclosed substitute amendment.

2. Legible copies of each of the U.S. patents listed on the enclosed *Information Disclosure Statement* have been included. A discussion of these patents is in *Description of Related Art* under the BACKGROUND OF INVENTION Section.

3. The statement required as specified in 37 CFR 1.97(e) has been attached to the *Information Disclosure Statement.*

4. The fee for the *Information Disclosure Statement* has been included along with the *Fee Transmittal Form.*

II. Response to each of the objections set forth in the "Previous Office Action Letter"

1. a. Drawing 1 has been modified to contain the appropriate numbering, etc.

    b. Drawings 2 and 3 have been added to illustrate the idea of combining the horse race and craps into the same game layout. - This should not be considered new material as it is only an illustration of an idea that was previously introduced in the original application.

2.   Drawings 4 and 5 have been added as requested, to illustrate the dice and horses used in the game.

3.   A substitute, clean-version specification of the original specification (10/051,947) has been submitted, as to incorporate extensive **amendments** (as per 37 CFR 1.125), and to **place the sections in the correct order.** A marked up copy of the original specification is also being submitted.

4 - 5. The CLAIMS SECTION has been rewritten in the correct format and to include claims related to combining the horse race and craps into the same game layout. - Again, this should not be considered new material, as it was previously introduced in the original application.

6 – 7.   The following is an explanation of the differences and improvements between this

patent application idea, and my board game Hardway which I referenced in my original

application as being in the public domain for more that one year.   (This explanation is also

included in amendments to the BACKGROUND OF INVENTION Section).

I am also the inventor of a board game named Hardway which makes use of
the horserace aspect of this idea but is quite different in many respects – both in layout
and in method of play. Although my board game has been in the public domain for more
than one year, its use of this invention is not specifically explained, and additionally, my board
game does not include the certain aspects of craps previously mentioned. – Also, in the board
game you can bet on all the horses **except** the 7-horse, and you only lose when the 7-horse wins,
and you only win when the horse you bet on wins – else your bet(s) are returned. In this
application that I am submitting for a patent, you can bet on all the horses, **including** the
7-horse, and you win when the horse you bet on wins and you lose when the horse you bet on
loses. (This method of allowing betting on the 7-horse is better because it is easier to
understand for the player, and there are more decisions per hour for the casino.) Also, in the
board game the players are issued different color chips from the other players to distinguish their
bets which are made in a common betting area for each horse. – In this application that I am
submitting for a patent, the lanes of the races track have been widened (in comparison to the
board game) so that they can accommodate normal casino-sized chips. – The players can then
use the casino's regular chips for betting right on the racetrack in areas that are directly in front
of each player, and there is no need for colored or special chips (as in the board game) to
distinguish player bets from one another.   Also, this application that I am submitting for a patent
has the basic shape of the playing surface from the board game altered so that it will fit onto a
"black jack" type table that is commonly used in a casino. Additionally, several features of a
normal craps game have cleverly been added so that the horserace and craps game are played
simultaneously on the same playing surface. The combination of the idea not being obvious in
the board game, the alteration to the original board game playing shape - betting areas and rules
for method of play, the addition of the aspects of craps, and the fact that everything here were
my original ideas (the unique layout and rules); should make this invention eligible for a patent.

8 – 11.   The following addresses each of the objections raised to the other patents cited.   These
explanations were originally included in my previous revision in the *Description of Related Art*
in the BACKGROUND OF INVENTION Section; and have been removed and placed here.

US-3,057,623 (B.P. Barnes, 10-1962) – It could be said that any board game which involves squares

and the movement of pieces, would have some sort of ratio between the number of

squares that each piece has to travel to win; but in Barnes' Jockey Game this ratio is not

the same as in my game (3 : 2), nor does it relate to a "normal" pair of dice (numbered 1

to 6 on each side). The 3:2 ratio in my playing surface, incorporated with the

mathematical rules of probability for the outcome of random rolls for two normal dice,

and the method described in this application for playing my game result in a unique and

very even horse race.   Also, my game includes the craps aspects, which Barnes' game

does not.

US-5,388,835 (Kevin Albright, 02-1995) – Although Albright's game involves a "double move" when

two of the same numbers appear on any two of the dice, this is related to the player

having an extra roll as opposed to the playing piece being moved additional squares from

the same roll.   Also, this game involves 3 dice where the total on the dice determines

how many squares a particular piece (the particular piece is moved based on the outcome

of a separate spinner) moves. - This is quite different from my game where the total on

two dice determine which piece moves 1 square (and sometimes 2 if a double is thrown).

Also, the number of potential squares to be moved in this game by a particular piece on a

Given roll (up to 18) could be problematic and prone to error as it relates to my game.

Also, my game includes the craps aspects, which Albright's game does not.

US-5,226,655 (Harry W. Rickabaugh 07-1993) – It could be said that any board game which involves squares and the movement of pieces, would have some sort of ratio between the number of squares that each piece has to travel to win; but in Rickbaugh's game this ratio is not the same as in my game (3 : 2). The 3:2 ratio in my playing surface, incorporated with the mathematical rules of probability for the outcome of random rolls for two normal dice, and the method described in this application for playing my game result in a unique and very even horse race. Also, my game includes the craps aspects, which Rickabaugh's game does not.

US-5,749,582 (Fritz et al. 05-1998) – It could be said that any board game which involves squares and the movement of pieces, would have some sort of ratio between the number of squares that each piece has to travel to win; but in Fritz's game this ratio is not the same as in my game (3 : 2). The 3:2 ratio in my playing surface, incorporated with the mathematical rules of probability for the outcome of random rolls for two normal dice, and the method described in this application for playing my game result in a unique and very even horse race. Also, my game includes the craps aspects, which Fritz's game does not.

US-4,042,245 (Louis Yacoub Zarour 08-1977) – It could be said that any board game which involves squares and the movement of pieces, would have some sort of ratio between the number of squares that each piece has to travel to win; but in Zarour's game this ratio is not the same as in my game (3 : 2). The 3:2 ratio in my playing surface, incorporated with the mathematical rules of probability for the outcome of random rolls for two normal dice, and the method described in this application for playing my game result in a unique and very even horse race. Also, my game includes the craps aspects, which Zarour's game does not.

US-5,564,709 (Richard G. Smoika 10-1996) – It could be said that any board game which involves squares and the movement of pieces, would have some sort of ratio between the number of squares that each piece has to travel to win; but in Smoika's game this ratio is not the same as in my game (3 : 2). The 3:2 ratio in my playing surface, incorporated with the mathematical rules of probability for the outcome of random rolls for two normal dice, and the method described in this application for playing my game result in a unique and very even horse race. Also, my game includes the craps aspects, which Smoika's game does not.

US-5,322,293 (Daniel A. Goyette 06-1994) – It could be said that any board game which involves squares and the movement of pieces, would have some sort of ratio between the number of squares that each piece has to travel to win; but in Goyette's game this ratio is not the same as in my game (3 : 2). The 3:2 ratio in my playing surface, incorporated with the mathematical rules of probability for the outcome of random rolls for two normal dice, and the method described in this application for playing my game result in a unique and very even horse race. Also, my game includes the craps aspects, which Goyette's game does not.